



General Assembly

January Session, 2013

Amendment

LCO No. 8529

SB0085108529SD0

Offered by:

SEN. DOYLE, 9th Dist.
REP. GUERRERA, 29th Dist.
SEN. FONFARA, 1st Dist.
SEN. CASSANO, 4th Dist.
SEN. MEYER, 12th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. HARTLEY, 15th Dist.

SEN. CRISCO, 17th Dist.
SEN. MAYNARD, 18th Dist.
SEN. OSTEN, 19th Dist.
SEN. STILLMAN, 20th Dist.
SEN. MUSTO, 22nd Dist.
SEN. DUFF, 25th Dist.

To: Subst. Senate Bill No. 851

File No. 760

Cal. No. 539

"AN ACT PROTECTING THE ASSETS OF THE SPOUSE OF AN INSTITUTIONALIZED MEDICAID RECIPIENT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 18-100i of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The Commissioner of Correction, at the commissioner's
6 discretion, may release an inmate from the commissioner's custody,
7 except an inmate convicted of a violation of subdivision (2) of
8 subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-
9 70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-90a, 53a-196a, 53a-196b, 53a-
10 196c, 53a-196d, 53a-196e or 53a-196f, a capital felony under the

11 provisions of section 53a-54b in effect prior to April 25, 2012, or
12 murder with special circumstances under the provisions of section 53a-
13 54b in effect on or after April 25, 2012, for placement in a licensed
14 community-based nursing home under contract with the state for the
15 purpose of providing palliative and end-of-life care to the inmate if the
16 medical director of the Department of Correction determines that the
17 inmate is suffering from a terminal condition, disease or syndrome [,
18 or] and is so debilitated or incapacitated by [a terminal] such
19 condition, disease or syndrome as to (1) require continuous palliative
20 or end-of-life care, [or] and (2) be physically incapable of presenting a
21 danger to society.

22 (b) The Commissioner of Correction [may] shall require as a
23 condition of release under subsection (a) of this section that the
24 medical director conduct periodic medical review and diagnosis of the
25 inmate during such release. An inmate released pursuant to subsection
26 (a) of this section shall be returned to the custody of the Commissioner
27 of Correction if the medical director determines that the inmate no
28 longer meets the criteria for release under subsection (a) of this section
29 or if the inmate violates any condition of such release.

30 (c) Any inmate released from the custody of the Commissioner of
31 Correction pursuant to subsection (a) of this section shall be
32 supervised in the community at all times by employees of the
33 Department of Correction who have training and experience in
34 providing security in correctional institutions.

35 (d) On and after the effective date of this section, the Commissioner
36 of Correction shall not place any inmate in a licensed community-
37 based nursing home pursuant to subsection (a) of this section until
38 such time as the local zoning authority for the town in which such
39 home is located has determined that such home is in compliance with
40 local zoning regulations.

41 (e) For the purposes of this section, "inmate" means any person
42 being supervised by the Department of Correction in a correctional

43 facility or in the community.

44 Sec. 502. (NEW) (*Effective from passage*) On and after the effective
45 date of this section, the Commissioner of Mental Health and Addiction
46 Services shall not place any person with psychiatric disabilities who is
47 a patient at a state-operated facility in a licensed community-based
48 nursing home until such time as the local zoning authority for the
49 town in which such home is located has determined that such home is
50 in compliance with local zoning regulations. For the purposes of this
51 section, "person with psychiatric disabilities" and "state-operated
52 facility" have the same meanings as provided in section 17a-458 of the
53 general statutes."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	18-100i
Sec. 502	<i>from passage</i>	New section